

COUNTY: County court may pay bounty on wolves killed in  
FISH AND GAME: Barton County, Missouri, to non-resident exterminators  
CONSERVATION: of wolves. Such persons shall obtain a ~~hunting permit~~  
~~and~~ written permission of the local Conservation agent  
prior to hunting wolves in said county.

April 3, 1952

4/22/52



Honorable Gordon R. Boyer  
Prosecuting Attorney  
Barton County  
Lamar, Missouri

Dear Sir:

This will acknowledge receipt of your request for an opinion which reads:

"A group of professional wolf exterminators have talked to the County Court about operating in Barton County for the purpose of exterminating wolves by use of airplanes and hunting dogs. I have advised the County Court that they would have no control; that control would have to be exercised or permission given by individual farmers. The court has raised the question of whether the \$30.00 bounty can be paid to these non-residents under the circumstances. They have also been advised by the local game warden that a hunting license will not be necessary since the men will be using hunting dogs and not guns.

"Please advise me first whether it is legal for the County Court to pay the bounty and second whether it is necessary for these individuals to have non-resident hunting licenses."

In answer to your first inquiry -- that is, whether it is legal for the county court to pay a bounty to the parties referred to in your request on wolves killed by them in Barton County, Missouri -- we are enclosing a copy of an opinion rendered by this department to Honorable Gene Frost, Prosecuting Attorney of Jasper County, Missouri, under date of March 24, 1952. Said opinion holds that on and after March 18, 1952, the county court shall pay the sum of \$30.00 for any grown coyote or wolf and \$5.00 for each coyote or wolf pup which

Honorable Gordon R. Boyer

may be killed in the county, and that the state shall reimburse the county treasurer two-thirds of all the bounty paid by such county.

Therefore, we are of the opinion it is legal for the county court to pay a bounty to these so-called exterminators only on the wolves killed in Barton County, Missouri, in the amount specified in said opinion.

You further inquire as to whether it is necessary for these non-resident professional wolf exterminators to obtain a non-resident hunting license. This is controlled entirely by the Wildlife Code of Missouri, 1951, an examination of which discloses the following rules:

Section 38 provides that wildlife may be taken, used or possessed only by persons who, at the same time, have in their possession the prescribed permit to do so, or who are specifically allowed by the Code to do so without a permit.

Section 6 further provides that no wildlife may be taken by means of a gun, bow and arrow or other device designed for the taking of same at any time from any motor vehicle or airplane, provided however, that written permission may be granted to individuals to take coyotes and wolves from an airplane.

Section 14 authorizes the taking of unprotected wildlife at any time in any numbers by such methods that do not conflict with said Code. Then, it specifically defines unprotected wildlife to be wildlife other than certain mentioned animals and fish, and continues by providing that unprotected wildlife shall also include wolves, coyotes, etc., and concludes by authorizing organized wolf drives under conditions as set forth in a special permit that may be obtained without fee.

Section 54 in part provides that no participation therein (referring to field trials) or in any organized wolf drive as herein provided shall be required to hold a hunting permit, provided however, non-residents participating in organized wolf drives shall possess the required permit while carrying a gun, rifle or other device designed for the taking of wildlife.

In view of the foregoing, it appears that wolves are not protected under the Code and that organized drives on wolves may be conducted under conditions set forth in special permits obtained without fee upon application to the local Conservation

Honorable Gordon R. Boyer

agent, and furthermore, wolves may be taken by airplanes only by first obtaining from the local agent a written permission to do so. However, in order to participate in an organized drive on wolves, a non-resident must also obtain a hunting permit, if while hunting wolves he is carrying a gun, rifle or other device designed for taking wildlife.

Applying the same rules of construction applicable to construing legislative and congressional acts to the construction of rules and regulations adopted by the Conservation Commission, we must hold that only non-residents participating in an organized wolf drive must first obtain a hunting permit in order to participate in said drive, provided while hunting wolves he is carrying a gun, rifle or other device designed for taking wildlife; and furthermore, any person hunting wolves by airplane must obtain a written permission to do so from the local Conservation agent.

#### CONCLUSION

Therefore, it is the opinion of this department that it is legal for the County Court of Barton County to pay a bounty to these non-resident exterminators of wolves that are killed in Barton County, Missouri, in the amount specified in the attached opinion. Furthermore, said non-resident exterminators are required to obtain a written permission to hunt wolves from the local Conservation agent prior to hunting said wolves. However, said non-resident exterminators need not obtain a hunting permit unless while hunting wolves they are carrying a gun, rifle or other device designed for taking wildlife.

Respectfully submitted,

AUBREY R. HAMMETT, JR.  
Assistant Attorney General

APPROVED:

  
\_\_\_\_\_  
J. E. TAYLOR  
Attorney General

ARR:VLM